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Pacific Railroad—Internal Improvements, etc., etc.

EXTRACTS FROM THE REPORT OF THE SECRETARY OF WAR.

At the last session of Congress an appropriation of \$150,000 was made to ascertain the most practicable and economical route for a Railroad from the Mississippi river to the Pacific ocean, and the act required that the several reports relative to the exploration should be laid before Congress on or before the first Monday of February, 1854.

The time allowed and the money appropriated, it is feared, will prove insufficient for the complete solution of this important problem. A vast extent of country was to be accurately surveyed, and numerous lines, thousands of miles in extent, to be examined; and it is hardly, therefore, to be hoped that such data can be collected as will satisfactorily answer the question proposed. But it is confidently believed that much information will be added to the stock previously possessed—perhaps enough to determine the practicability of the proposed enterprise.

The following general sketch of the country to be explored will give some idea of the magnitude of the examination required.

The western portion of the continent of North America, irrespective of the mountains, is traversed from North to South by a broad, elevated swell or plateau of land, which occupies the greater portion of the whole space between the Mississippi river and the Pacific ocean. The crest of this plateau, or the water-shed of the country, is nearly midway between the Pacific coast and the Mississippi. It may be represented on the map by an undulating line traced between the head-waters of the streams which flow eastward, and those which flow westward. It divides the whole area between the Mississippi and the Pacific into two nearly equal portions, that on the east being somewhat the larger. This crest of the water-shed has its greatest elevation in Mexico, and thence declines to its lowest point about the latitude of 32°, where it has a height of about 4,500 feet, between the waters of the Rio Grande and those of the San Pedro, a tributary of the Gila. From this parallel it increases in altitude northward, and reaches its maximum near to the 38th parallel, where it is about 8,000 feet high. Thence it declines as we pass northward, and in latitude 42 deg. 24 min. it has an elevation of, say 7,000 feet, and in the latitude of about 47 deg. it is reported to be at least 1,000 feet, and in the latitude of about 47 deg. it is reported to be at least 1,000 feet lower. The heights here given are those of the lowest passes over the crest, or water-shed, of the great plateau of the country, and not those of the mountainpeaks and ridges which have their base upon it, and rise in some cases to the height of 17,000 feet, in the region of perpetual snow.

The slope of the plateau on the east and south, towards the Mississippi and the Gulf of Mexico, is comparatively gentle, and in Texas is by several steps, of which the highest is that known by the name of the Llano estacado, or Staked plain. It is traversed by the Missouri, the Platte, the Arkansas, and other large rivers, which rise among the mountains near the crest, and flow eastward and southward in channels sunk beneath the general surface level of the plains.

In latitude 42 deg., near the source of the Platte, it has an elevation of about 5,000 feet above tide, and in the same latitude on the Mississippi about 1,000 feet. Towards the sources of the Arkansas, in latitude 36 deg. it has a height of 4,000 feet, and in the same latitude on the Mississippi 275 feet. These elevations give an average declination eastward, to be whole plain, of about 44 feet per mile, and southward of about 21.3 feet.

The crest of the plateau, and nearly the whole of its western portion to the Pacific, is occupied by a great mountain system, the continuation of the Andes of South America. It has a variable breadth, narrowest within our possessions near the Gila in latitude 32 deg., where it has a width of about 500 miles, and attains its greatest expansion in the parallel of 40 deg., where it occupies a space of about 800 miles. On this mountain base, as has been said before, are situated a series of elevated peaks, ridges and ranges. Those on the eastern side are nearly continuous for about 900 miles, and known by the name of the Rocky mountains; those on the western side are perhaps less continuous, though equally elevated above their base, and designated as the Sierra Nevada, Coast range, Cascade mountains, &c. The whole space between these extreme ranges is occupied by high peaks, and in various directions by a series of ridges, including elevated valleys, and forming

great basins having no outlet to the sea.—The most important of these is Salt Lake basin, having an elevation of 4,100 feet.

This mountain region is not, as is frequently supposed, a single chain, but a system extending from a little east of the crest of the water-shed to near the shores of the Pacific, and occupying about one-half of all the space between the Mississippi and the Pacific ocean. The position of this belt of mountain region stretching from north to south, gives rise to a peculiarity of climate and soil. Fertility depends principally upon the degree of temperature and amount of moisture, both of which are much affected by increase of elevation, and the latter also depends on the direction of the wind. The upper or return current of the trade-wind, flowing backward towards the north-east, gives a prevalence of westerly winds in the north temperate zone, which tends to spread the moisture from the Pacific over the western portion of our continent.

These winds, however, ascending the western slope of the mountain ridges, are deprived of their moisture by the diminished temperature of the increased elevation, and hence it is that the plains and valleys on the eastern side of the ridges are generally parched and barren; and that the mountain system—the highest chain of which, known as the Rocky mountains, by presenting, as it were, a screen against the moisture, with which the winds from the west come laden, has for its eastern margin a sterile belt—which probably extends along the whole range, with an average width of about 250 miles.

These general views, derived as they have been, from imperfect data, may yet serve to give some idea of the immense magnitude of the work necessary to construct a railway from the Atlantic to the Pacific. No work for artificial communication has ever exceeded it in extent and physical difficulty. Its execution however, is within the means and power of the American people. The degree of practicability, and the comparative economy and eligibility, of routes, cannot be determined without accurate instrumental surveys. An error in the selection of the route may involve the useless expenditure of many millions, and the ultimate value of the work; for this choice should not depend alone on apparent ease of construction, but also upon the productive character and general resources of the country through which it passes.

From the foregoing sketch it will be perceived that the lines of exploration must traverse three different divisions or regions of country, lying parallel to each other, and extending north and south through the whole of the western possessions of the United States. The first is that of the country between the Mississippi and the eastern edge of the sterile belt, having a varying width of from 500 to 600 miles; the second is the sterile region, varying in width from 200 to 300 miles; and the third, the mountain region, having a breadth of from 500 to 900 miles.

Explorations show that the surface of the first division, with few exceptions, falls in gentle slopes from its western boundary to the Mississippi at the rate of about six feet to the mile, and that it offers no material obstacle to the construction of a railway.—It is, therefore, west of this that the difficulties are to be overcome. The concurring testimony of reliable observers proves the second division, or that called the sterile region, to be so inferior in vegetation and character of soil that it has received, and probably deserves, the name of the desert. The construction of a railway through this region will be attended with obstacles which, though not insurmountable, will be scarcely less difficult to overcome than the elevations in the mountain passes of the next division.

Report also gives the character of extreme sterility to much of the country embraced in the mountain region; yet in the conflict of opinion on this subject, and amid the variety of accounts which have been given of it, doubts have arisen in the minds of many as to the possibility of the existence of such extensive regions within our possessions unsuited to the purposes of man. To settle this question, with which the construction of a railway is intimately connected, the parties have been instructed to collect all the facts which may have a bearing on the capacity of these regions to support human life.

It was necessary, before determining what routes should be explored, to examine the information which had already been obtained. Only three parties had extended their explorations with proper instruments from the Mississippi to the tide-waters of the Pacific. The first and most northern was by the way of what is called the South Pass and the Sierra Nevada; the second through Santa Fe, the copper mines, and along the

Gila; and the third by the way of the Zuni river and the Colorado.

Other surveys have been made with barometric levels over detached portions of the region to be explored. The information thus obtained, though limited, is specific as far as it goes, and gives just ideas of the elevations and other obstacles to be surmounted. Much valuable and reliable information has also been furnished by the Mexican boundary survey.

The explorations of Lewis and Clarke, who crossed to the Pacific, and those of Col. Long, while they throw much light on the general geography of the country, and have served to indicate the routes to be explored, do not give profiles of the regions passed over.

Reports from travelers who have gone over the continent entirely without instruments are as various and conflicting as the routes themselves, and even of the same route totally different accounts are given.—Any information other than that based on accurate instrumental measurement, though it may be of some importance in indicating routes to be surveyed, is of little value in determining the question of a railway. It is necessary for this purpose to have well-determined facts, and not vague impressions.

The expedition of Lewis and Clark showed the probability of a considerable indentation in the crest of the water-shed of the continent near the forty-seventh parallel of north latitude, and indicated the possibility of a railway route in this region from the headwater of the tributaries of the Missouri across to those of Clarke's river.

The party first organized under the act of Congress was the one to explore this line, which claimed the earliest attention from the known severity and length of the winter, and the necessity of commencing operations early in the year. It was placed in charge of Governor Stevens, of Washington Territory, who was directed to operate from St. Paul, or some eligible point on the Upper Mississippi, towards the great bend of the Missouri river, and thence on the table land between the tributaries of the Missouri and those of the Laskatchewan, to some eligible pass in the Rocky Mountains. A second party, commanded by Capt. McClellan, under the direction of Governor Stevens, was directed to proceed at once to Puget sound, and explore the passes of the Cascade range, meeting the eastern party between that range and the Rocky Mountains.

Taken in geographical order the next survey directed to be made was that intrusted to Captain Gunnison, corps topographical engineers. He was instructed to explore the route near the 38th parallel of latitude, by the Huernero river and Cochueto-papas, or some other eligible pass, into the mountainous region of the Grand Clara and Nicolet's river of the Vegas of Santa Clara and Nicolet's river of the Great Basin, and thence northward to the vicinity of Lake Utah. Reliable information, furnished by persons who had been extensively connected with the western exploration of the government, gave such assurance that no railway pass could be found north of Kern river, into either the Sacramento or San Joaquin valley, that it was not deemed proper to expend any part of the limited means appropriated in such a search; and having learned that the Mormons of the Great Salt Lake were making a survey for a railroad from their settlement to Walker's Pass, Captain Gunnison, whose former intercourse with their engineer would enable him to obtain whatever information he possessed, was directed to procure a report of that survey, thus connecting his line with the survey ordered to be made near the 35th parallel.

Postponing for future operations, if further surveys shall be ordered, the exploration of a route from the Salt Lake across the Sierra Nevada to the valley of the Sacramento, Captain Gunnison was directed to return from the Great Basin through the Timpanago Canon, or other passes, and across the Weber and Bear rivers, by the coal basin, to such point of disembarkment as his discretion might direct.

The next line is that near the 35th parallel which is in charge of Lieut. Whipple, of the corps of topographical engineers.—He was directed to ascend the valley of the Canadian river, to pass round the mountains east of the Rio del Norte, and enter the valley of that river at some point near Albuquerque; thence to extend his explorations west through Sierra Madre and the mountains west of the Zuni and Mogi countries to the Colorado of the west, and proceeding in the direction of Walker's Pass, to continue his survey by the most direct and practicable line to the Pacific ocean. Much testimony in favor of the practicability of this line indicated it as a proper route for exploration.

Another line further south is that suggested by the surveys of Major Emory in the last two years. This may be called the line of the 32 parallel. It passes around the extremity of the Guadalupe mountains of Texas in about latitude 31 deg., and crosses the Rio Grande near Dona Ana, or Frontera, in about latitude 32 deg., and thence follows table lands west to the San Pedro river, and thence along the Gila river to its mouth. A portion of this line passes through the territory of Mexico, and another portion is north of the line of operations of the boundary commission, and consequently these were not included in the boundary survey. The gaps thus existing in this line are to be filled up by the survey of Capt. Pope, and that under the direction of Lieut. Parke, both of the corps of topographical engineers. The instructions to the latter were not given until recently, because the survey with which he is charged requires a part of the line to be run within the limits of Mexico. The Mexican government have, however, removed the difficulty by granting authority to the United States to make all the explorations necessary to determine the practicability of a railway route in this region.

Several partial routes on the Pacific side, to connect, as before described, with those from the east, were directed to be surveyed by Lieut. Williamson, of the corps of topographical engineers. He was instructed to examine all the passes eastward from the valley of the San Joaquin and the Tulare lake, and subsequently to explore Walker's and other passes which exist in the high range of mountains, apparently the southern continuation of the Sierra Nevada.

The experience of almost every party which has crossed the continent shows the necessity of fitting out a separate party on the shores of the Pacific to explore the Sierra Nevada, and the other elevated ranges near that coast. Parties reaching these great barriers from the Atlantic side are too much fatigued and exhausted to make elaborate surveys. It is also necessary that these parties should commence operations early in the spring in order to complete the field work before the heavy snows interrupt progress.

Copies of the instructions given to all the parties are hereto appended.

From these it will appear that the officers of the different expeditions have been directed to observe and note all the objects and phenomena which have an immediate or remote bearing upon the railway, or which may serve to develop the resources, peculiarities, and climate of the country. For this purpose they have been supplied with full sets of instruments for determining the latitude and longitude of places, courses and distances of the routes, and of the topography of the country on either side, within accessible distances; with the means of ascertaining the variation of atmospheric pressure, and other meteorological phenomena, and two of the parties with instruments to determine the direction and intensity of the magnetic force. They have been instructed to observe the prevailing direction of the wind, the amount of rain, the degree of temperature, and humidity of the atmosphere; they are also required to report on the geology of the country, to gather specimens of the different rocks and soils; to make collections of the plants and animals, and to collect statistics of the Indian tribes which are found in the regions traversed.—The information which will be derived from this series of observations will be of much value in establishing the capacity of the country to sustain population and furnish articles of commerce. The astronomical observations are indispensable in fixing the geographical position of the principal points of the route, and for improving the map of our western possessions. The magnetic observations are of importance in accurately tracing the line between the points determined by astronomical observations. It is well known that the magnetic needle has an irregular and sometimes fitful variation, amounting to a difference of eighteen degrees between Washington city and the western coast of Oregon, and the law by which this variation is increased or diminished has not been ascertained.

The meteorology of the country has a direct bearing on the question of the construction of a railway. The amount of snow which will probably be found along the route should be ascertained, and this will depend on temperature and humidity of the place. As we advance to the north, the amount of vapor diminishes, and hence the quantity of snow which falls will be less; but, on the other hand, it will be longer, on account of the diminution of temperature. It was, therefore, deemed proper that the hydrometrical state of the atmosphere should be measured by suitable instruments, and the mean temperature ascertained by thermometrical observations of the soil at a few feet below the surface.

A knowledge of the geology of the country is important, as affording essential data relative to the construction and use of the railway. It teaches in advance of an expensive experience, the obstacles which will be presented by rocks to be excavated, and their fitness for use in masonry, and discloses the presence of sand, which may drift over the track or damage the rubbing parts of the machinery. From the character of the geological formation is to be inferred the probability of the existence of coal, and from the dip and strata of the rock the feasibility of procuring water by artesian wells for the use of the engines, and whether or not the supply may be extended beyond this want, and happily serve for the irrigation of the land. Should this last result be obtained, it would furnish the means to convert a sterile waste into a fertile region, and add to the power and wealth of the United States by extending their settlements in a continuous chain from sea to sea.

Observations were directed to be made to the zoology and botany of the country, which enter into the question of the choice of routes, because they are indicative of the country to sustain life and furnish materials for construction.

Allusion has been made to the inadequacy of the appropriation for surveys to ascertain the best route for a railroad from the Mississippi river to the Pacific ocean. In determining the route of ordinary railroads, through thickly settled countries of easy access, one-half per cent on the actual cost of construction is not considered too liberal an allowance for the preliminary surveys, and therefore it cannot be expected that the best line of a road which has been estimated to cost one hundred million dollars can be located through an uninhabited and comparatively unknown region for one hundred and fifty thousand dollars.

There is but little doubt that the best line which can be chosen will present a combination of nearly all the obstacles which have up to this time been successfully encountered by the act of the engineer, and that any haste or negligence which should cause an improper location of the road to be made, must lead to consequences which would endanger the success of the whole enterprise.

A striking illustration of the value of opinions not based on instrumental survey is presented in the developments made by Lieut. Williamson's exploration of Walker's Pass. It will be remembered that this famous gap was considered a fixed point, and the various speculations on routes, differing in everything else, generally concurred in tending to Walker's Pass. Recent information from Lieut. Williamson establishes the fact that this pass is impracticable for a railway.

The information which has been received from the parties now in the field is too limited and imperfect to justify an opinion on the question proposed by the act of Congress. When the reports of these parties shall have been received, and at the date prescribed by Congress, it is my purpose to submit a condensed statement and map, exhibiting all the reliable information possessed, with profiles annexed of all instrumental surveys which have at any time been made, and which serve to answer the inquiry contained in the act of appropriation under which surveys are now in progress.

If I seem to have pressed the magnitude of the obstacles, to the successful execution of the contemplated work it has not been to suggest the abandonment of the undertaking, but only to enforce the propriety of much caution in the preliminary steps, and the necessity for concentrating all the means which can be made available to the completion of so gigantic a project.

Preconceived opinion or prejudice, personal interest and sectional rivalry, must be held subject to the developments of instrumental survey, and subservient to the purpose of final success, or the result to be anticipated is failure; and when from the consideration of the magnitude of the difficulties to be overcome, we pass to the importance of the effects to be produced, there is enough to sustain patriotism in the sacrifice of any personal or local interest which may be involved. Its commercial and agricultural advantages; its political and military necessity, have attracted the attention and excited the interest of our whole country. Congress has by its appropriation manifested the purpose to obtain such information as will secure a proper location of the road.

The necessity for more rapid means of communication has been referred to in other parts of this report, when treating of the defence of our southern boundary, the western territory, and the Pacific coast. Duties and interests of vital importance, other than

the sea, rise in the consideration of the construction of a railroad to the Pacific; but as they do not fall under the charge of this department, I have not attempted to present them; nor have I deemed it proper, in this communication, to offer my views as to the means or the mode by which the general government may constitutionally aid in the attainment of the contemplated object.

The absence of navigable streams in a large portion of our recently acquired territory, and the existence of the vast arid and mountain regions described in another part of this report have entailed upon the government a very heavy charge for the transportation of supplies, and for the service of troops stationed along our new frontier, and operating against the predatory and nomadic Indians of those regions. The cost of transportation within that country for purposes connected with military defence, amounted, in the year ending June, 1853, to \$451,775 07.

The modes of transportation now used—wagons drawn by horses' mules or oxen—besides being very expensive, are necessarily circuitous in the routes traveled, slow, and generally so unsatisfactory as to prompt inquiry for means which may be attended with better results. In any extended movement these wagon trains must depend upon grass for forage, and their progress will seldom average more than twelve miles per day. It often happens, in traversing the country just referred to, that long spaces are encountered in which there is neither grass nor water, and here the consequence must be severe privation and great destruction of the animals employed, if not the failure of the objects of the expedition.—These inconveniences are felt in all movements between the distant posts of that section, and seriously obstruct, sometimes actually defeat the pursuit of the mounted Indians of the plain, who, by their intimate knowledge of the places where the small supplies of water and grass are to be found, are enabled to fly across the most arid region after having committed depredations on our frontier population, or upon the trains of merchants and emigrants.

Beyond the difficulties here contemplated in connection with transportation to the interior, it is proper to look to those which would arise in the transportation of supplies for the defence of our Pacific coast, in the contingency of a war with a maritime power. Our experience has been confined to a state of peace, and to the use of routes of communication which pass beyond the limits of our territories. Resuming from the difficulties which have been encountered in supplying points where it was necessary to traverse a part of the space which lies between the Pacific coast and the points of supply, it may be claimed as a conclusion that it would not be practicable, with the means now possessed, to send across the continent the troops, munitions, and provisions which would be required for the defence of the Pacific coast. A railroad, such as has been contemplated, to connect by the most eligible route, the Mississippi river with the Pacific Ocean, would not only remove the difficulty, it would serve to transport troops, and to supply depots along the route, and at the extremity of the line, but there would still be a vast region of the interior to traverse, and its depots materially to feed its effort.

On the other continents, in regions reaching from the tropic to the frozen zone, embracing arid plains and precipitous mountains covered with snow, canals are used with the best results. They are the means of transportation and communication in the immense commercial intercourse with Central Asia. From the mountains of Circassia to the plain of India, they have been used for various military purposes—to transport supplies, to draw ordnance, and as a substitute for dragoon horses.

Napoleon, when in Egypt, used with marked success the dromedary, a fleet variety of the same animal, in subduing the Arabs, whose habits and country were very similar to those of the mounted Indians of our western plains. I learn, from what is believed to be reliable authority, that France is about again to adopt the dromedary in Algeria for a similar service to that in which they were so successfully used in Egypt.

For like military purposes, for expresses, and for reconnoissances, it is believed the dromedary would supply a want now seriously felt in our service; and for transportation, with troops rapidly moving across the country, the camel, it is believed, would remove an obstacle which now serves greatly to diminish the value and efficiency of our troops on the western frontier.

For these considerations, it is respectfully submitted that the necessary provision be made for the introduction of a sufficient number of both varieties of this animal to test its value and adaptation to our country and our service.

In connection with the means to be adopted to overcome existing difficulties in the transportation of troops and army supplies, I further invite your attention to the condition of Fort Yuma, at the junction of the Gila and the Colorado rivers. It is now supplied from San Diego by the overland route, at enormous expense. Attempts have been made to send supplies through the Gulf of California and the Colorado river, but the latter, by reason of the shoals at its mouth, not being practicable for sea-going

vessels within a considerable distance of our southern boundary, it becomes necessary, at some point within the limits of Mexico, to tranship on light-draught boats, or to haul the stores across the Mexican territory. The importance of possessing a port for this purpose is too apparent under existing circumstances to require or justify explanation.

The works of harbor and river improvement have made satisfactory progress during the past season, under the direction of the chiefs of the two corps of engineers, to whose reports, herewith submitted, I refer for particular information with regard to the several works. These reports have been made in more than usual detail, in order to embrace the information which the Senate, by a resolution passed the 2d of March last, requested the department to transmit with the annual report.

The appropriation for these works having been made in August, 1852, the arrangements for executing a large majority of them had been made before I entered upon the duties of this department. In determining upon the best plans submitted to me, my view has been that such only should be adopted as could be executed with the existing appropriations. The general provision in regard to these works is a simple direction to apply a certain sum to a specified object, without any intimation of an intention on the part of Congress to make further appropriations; and I deemed it to be improper to expend these appropriations in commencing works on a scale which the department has not means to complete, and which must in a good measure be lost, unless Congress make further appropriations for them. These views, however, were not held by the department when most of the works authorized by the act of Congress, 1852, were planned; but the mode, extent, and cost of the several improvements, seem to have been considered as matters of discretion, and the plans adopted for their execution do not seem to have been governed, in regard to costs, by amounts of the appropriations, but would require, for their completion, large additional grants, amounting, in some cases, to almost ten fold the original appropriations. In some cases, corporations and associations of citizens have come forward with offers of voluntary contributions in aid of the appropriations made by Congress; but it was not deemed competent for this department to receive money from such sources, either by way of loan or gift, a regulation was adopted, under which, States, cities, corporations, or individuals, desiring to aid in any work, are permitted to construct portions of it under the direction of the officer in charge who superintends their operations and audits the accounts for work done, for payment by the contributing parties, but does not receive the money, or assume any control whatever over it. Such parties, moreover, have been distinctly informed that they were to have no claim whatever upon the government for reimbursement of the expenditure thus made by them.

In the prosecution of these works of internal improvement, the department has encountered some of the difficulties which were to be expected from the intricate nature of its powers in regard to them. In a recent case, the right of the United States to a pier erected for the improvement of a harbor was established by the Supreme Court. The pier, which had originally belonged to another land, crossed an arid region which followed its extension far into the lake, and these parties, who were entitled to the operation, claimed the pier also, as attached thereto. The United States having possessed no title to the submerged soil, or other jurisdiction than that claimed by the general government over navigable waters, the question involved the power to preserve the work. In another case the improvement of the navigation of a river entirely within the limits of a State, and for which an appropriation had been made by Congress, was found already to have been undertaken by a company under a State charter granted for that purpose. It happened in both cases that circumstances existed which rendered an accommodation with the riparian proprietors, wanting the pier only for a wharf, were content to hold possession under the government waiving the question of title, and the navigation company were willing that the appropriation should be expended in furtherance of the object for which it was made, the plans of operation fortunately concurring, so that satisfactory terms were agreed upon. It is manifest, however, that cases might readily occur, and probably will occur, where the interests of opposing parties cannot be brought into harmony, and I do not feel that the government is acting prudently in expending large sums upon objects which may be converted to individual profit.

Referring to the earlier action of the government upon this subject, we find, in several statutes prior to 1823, the cession of jurisdiction made a condition precedent to the construction of particular works of harbor improvement; and it appears by the language of the act of May 7, 1822, (3 Statutes, 509,) that such cessions were understood to be necessary in all cases. But the requirement was thereafter discontinued, and the practice of obtaining cession of jurisdiction ceased also.

Subsequently, in view of the danger of eviction from public works after the expenditure of large sums of public money upon them, a joint resolution, approved September 11, 1841, required that no public money be expended upon any site or land thereafter purchased for armories, arsenals, forts, fortifications, navy-yards, custom-houses, light-houses, or other public buildings whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title, and also the consent of the legislature of the State in which the land lies shall have been given to the pur-